

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
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Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	
)	
Call Authentication Trust Anchor)	WC Docket No. 17-97
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COMMENTS OF SOMOS, INC.

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INTRODUCTION

Eliminating the scourge of illegal robocalls that originate abroad is vital to maintaining a telephone network that Americans trust. In the past year alone, American consumers have been bombarded by billions of robocalls and have lost hundreds of millions of dollars to fraud perpetrated over the phone. The Commission has made important strides in combatting those calls, but Somos agrees that much more must be done. In tackling these complicated issues, the Commission should look to incorporate existing commercial offerings with successful track records that can be deployed swiftly and effectively.

Should the Commission require gateway providers to block calls purporting to originate from numbers on a Do Not Originate (“DNO”) list, it should look to existing DNO lists that have successfully been employed to block illegitimate traffic. As the developer of a comprehensive DNO list of more than 4 billion numbers that should never originate calls, Somos has experience with the use of a broadly adopted DNO list that can be effectively implemented to block millions of illegal robocalls.

DISCUSSION

When managed appropriately, DNO lists provide a simple and effective means of blocking vast amounts of illegal robocalls before they reach American consumers. On any given day, millions of calls on a carrier’s network will display caller IDs of unallocated (not assigned) numbers or unavailable (non-dialable) numbers.¹ Those calls are “highly likely to be illegal”

¹ See Somos Reply Comments at 4-5, CG Docket No. 17-59 (filed June 14, 2021) (discussing Somos’ analysis of analytics provider shortly after testing the Somos DNO list).

because there is “no legitimate reason” for calls to originate from those numbers.² And, like other forms of illegitimate calls, they frequently originate abroad.

Since the Commission’s *First Call Blocking Order*,³ DNO lists have been successfully employed to block millions of illegal calls purporting to originate from those illegitimate numbers. The Somos DNO list, which initially contained approximately 28 million toll-free numbers (“TFNs”) that are non-dialable or not allocated, is now being used in the industry and has expanded into a comprehensive list of more than 4 billion numbers that should never originate calls.⁴ Responsible Organizations (“Resp Orgs”) that manage records in the SMS/800 Toll-Free Number Registry (TFNRegistry™) on behalf of subscribers have added more than 870,000 numbers that their subscribers do not use to place calls.⁵ And non-toll-free numbers, such as unassigned 10,000 block numbers and unavailable and unassigned area codes, have been added as well.

Service providers, gateway providers, and analytics engines use Somos’ DNO list today to block illegitimate calls coming from these numbers, and the list has proven to be highly

² Fifth Further Notice of Proposed Rulemaking in CG Docket No. 17-59 & Fourth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, FCC 21-105, ¶ 19 (rel. Oct. 1, 2021) (“FNPRM”).

³ Report and Order and Further Notice of Proposed Rulemaking, *Advanced Methods to Target and Eliminate Unlawful Robocalls*, 32 FCC Rcd 9706 (2017) (“*First Call Blocking Order*”).

⁴ See Ex Parte Letter from Joel Bernstein at 1-2, Somos, to Marlene Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Nov. 1, 2021).

⁵ There are a variety of reasons why a subscriber may choose not to make any outbound calls using their TFN. For example, some TFNs are only used for teleconferencing services or ad tracking services. See Somos Reply Comments at 4 & n.6, CG Docket No. 17-59 (filed June 14, 2021) (explaining the use of TFNs for dynamic ad insertion).

effective. Indeed, users have reported to Somos that they have been able to block tens of thousands of calls a day as soon as they started using Somos' DNO list.⁶

Somos distributes its list via API and updates it daily to ensure it remains accurate and up-to-date. For example, one of the key inputs to Somos' DNO list is the Somos TFNRegistry. The TFNRegistry has up-to-the-minute information on which TFNs have been reserved and which ones are in the "spare pool" of numbers that are not assigned, not in use, or are available to be reserved. There are currently about 14 million spare TFNs in the TFNRegistry, and the specific numbers in the spare pool change constantly. Once a TFN in the spare pool is reserved, it is immediately removed from Somos' DNO list. Similarly, when a number is added to the spare pool, it is immediately added to the DNO list.

If the Commission requires gateway providers to block numbers on a DNO list, it should not limit that list to a small group of numbers on the Industry Traceback Group's ("ITG") list or a similar list of numbers that have been shown to be the "source of a substantial volume of illegal calls."⁷ The Commission's orders permit providers to block calls from certain numbers, such as unassigned numbers and other numbers on Somos' DNO list, without additional customer consent, precisely because calls from those numbers are "highly likely to be illegal" irrespective of the volume of calls attributed to them.⁸ A DNO list is most effective when it includes the

⁶ See Ex Parte Letter from Joel Bernstein at 2, Somos, to Marlene Dortch, Secretary, FCC, CG Docket No. 17-59 (filed Nov. 1, 2021).

⁷ See Industry Traceback Group, *Policies and Procedures* at 17-18, App. B (rev. July 2021), https://ustelecom.org/wp-content/uploads/2021/01/ITG_Policies-and-Procedures_2021.pdf (laying out policies for the industry).

⁸ See *First Call Blocking Order* ¶ 18; see also *FNPRM* ¶ 71 (explaining that the Commission has authorized voice service providers to block calls where the subscriber to the number indicated that the number should never be used to originate calls); USTelecom Pet. for Recon. and Req. for Clarification at 8, 10 & n.22, CG Docket No. 17-59 (filed May 6, 2021) (explaining that "no legitimate caller should be using" numbers placed on the Somos DNO list).

most exhaustive repository of numbers that should not be originating calls. For that reason, the Somos DNO list is constantly refined with daily updates to be as robust as possible, and it is optimized to allow for additional improvements. For example, because Somos currently does not charge entities to add appropriate numbers to the DNO list, and simply recoups its costs through distribution of the list, ITG could add the numbers from *its* DNO list to the Somos DNO list at no cost to ITG, and Somos could easily remove numbers at ITG's request.

Somos' experience has shown that service providers of all sizes, including gateway providers, can seamlessly implement Somos' DNO list, either directly at the switch level or through a third-party vendor, such as Hiya. And further adoption of DNO lists by gateway providers would help combat illegal calls that are evading detection today.

Any DNO list that is endorsed or created by the Commission should *not* be made public. Bad actors indiscriminately spoof numbers, and those actors' use of a number on a DNO list serves as a valuable signal to traceback groups and fraud prevention entities that calls coming from a particular actor are illegitimate. Publicizing a DNO list would allow these bad actors to disguise their schemes further by reprogramming their robocall systems to avoid spoofing numbers on the list, frustrating traceback and law enforcement efforts. Moreover, because legitimate callers should never be placing a call from a number on a properly conceived DNO list, a public DNO list would not provide any countervailing beneficial notice to any legitimate callers.⁹ For these reasons, only service providers, Resp Orgs, and known fraud prevention entities are granted access to Somos' DNO list.

⁹ See USTelecom Pet. for Recon. and Req. for Clarification at 10, CG Docket No. 17-59 (filed May 6, 2021) (explaining for similar reasons that there is no reason to provide notice to a caller that their call placed from a number on a DNO list has been blocked).

CONCLUSION

The Commission has made important strides in combatting foreign-originated illegal robocalls. Expanding the use of existing DNO lists could further the Commission's important efforts.

Respectfully submitted,



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